

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council

FROM: Michael Kirn, Public Works Director/City Engineer

DATE: June 21, 2016

SUBJECT: Resolution Authorizing the City Manager to Execute Right of Way Agreement and Temporary Construction Easement with the State of California, Department of Transportation on the Parking Lot at Washington and Gerard for Construction of the Lincoln Avenue Bridge over the Napa River.

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

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2 **ISSUE:** Consideration of a Resolution authorizing the City Manager to execute a Right

3 of Way Agreement and Temporary Construction Easement with the State of California,

4 Department of Transportation across the Parking Lot at Washington and Gerard (Fire

5 Station Parking Lot) for the purposes of constructing the new bridge over the Napa

6 River at Lincoln Avenue subject to confirmation of valuation of the easement.

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8 **RECOMMENDATION:** Adopt the Resolution.

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10 **BACKGROUND/DISCUSSION:** Caltrans is planning on replacing the Lincoln Avenue

11 Bridge over the Napa River utilizing Federal Highway Bridge Replacement funds. As

12 part of this project they need to secure a temporary easement for their contractor to

13 stage equipment during construction.

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15 In lieu of eminent domain and condemnation proceedings Public Works has negotiated

16 with Cal Trans Right of Way Agents the form and content of a Right of Way Agreement

17 and easement documents. Staff has negotiated the smallest area to be affected by the

18 staging area, which will encumber approximately 31 parking spaces. The estimated

19 duration of the easement is 24 months because bridge construction will require two

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20 construction seasons due to environmental constraints placed by the State Regional
21 Water Quality Control Board and Department of Fish and Wildlife. The dumpsters will
22 be relocated to an area that Upper Valley Waste Disposal can access. Cal Trans has
23 been in discussion with the businesses that have the potential to be affected by the
24 staging area.

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26 The current valuation proposed by Cal Trans for the staging area is \$109,000 which the
27 State will pay after execution of this Resolution. Cal Trans will have possession of the
28 property as per the Right-of-Way Agreement. We are seeking a second qualified
29 appraisal to verify the offer from the State. Due to Federal funding it is necessary for
30 the City to agree in principal to the terms of the Right-of-Way Agreement and Easement
31 and authorize the City Manager to execute the necessary documents, subject to final
32 confirmation of the valuation which is anticipated to be completed in late July.

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34 The recommended resolution authorizes the City Manager to execute the Right-of Way
35 Agreement, Easement and other documents with the State of California, subject to
36 confirmation of valuation.

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38 **ENVIRONMENTAL REVIEW:** The recommended action is not a project as defined by
39 the CEQA guidelines. As defined a Project does not include “organizational or
40 administrative activities of governments that will not result in direct or indirect physical
41 changes in the environment.” Caltrans will conduct CEQA/NEPA review for the actual
42 bridge replacement project and certify those documents prior to commencement of
43 construction.

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45 **FISCAL IMPACT:** There will be a positive impact to the General Fund once the final
46 compensation is set. The proceeds will be posted into the City’s General Fund account.

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48 **Attachments**

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50 1. Resolution
51 2. Right of Way Agreement
52 3. Easement Deed
53 4 Memorandum of Adjustment
54 5. Location map

RESOLUTION NO. 2016- XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE
CITY MANAGER TO EXECUTE A RIGHT OF WAY AGREEMENT AND
EASEMENT DEED FOR TEMPORARY USE OF A PORTION OF THE
PARKING LOT AT WASHINGTON AND GERARD FOR REPLACEMENT OF
THE LINCOLN AVENUE OVER THE NAPA RIVER

WHEREAS, Cal Trans is proposing to replace the Lincoln Avenue Bridge over the Napa River in Calistoga; and

WHEREAS, Cal Trans is required to certify to the Federal Highway Administration that they have responsible control over all right of way where state and federal funds will be expended; and

WHEREAS, Cal Trans has determined that the City of Calistoga has title interest in the parking lot behind the Fire Station that they need for staging by their contractor; and

WHEREAS, in lieu of eminent domain and condemnation proceedings Public Works staff have negotiated with Cal Trans to minimize the area needed for staging during construction and have reached agreement in principle on the terms of the agreement and easement deed; and

WHEREAS, Cal Trans has requested that the City entering an agreement and execute an easement deed quitclaim for valuable consideration which has been established by Cal Trans at \$109,000. Cal Trans shall pay the City \$109,000 and shall have possession of the property as described in easement deed; and

WHEREAS, the City is seeking confirmation of the valuation via a second appraisal and upon Cal Trans receiving this appraisal, the State shall be open to negotiation; and

WHEREAS, the recommended action is not a project as defined by CEQA.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Calistoga that the City Manager is authorized to execute a Right-of-Way Agreement, deed of easement and other documents with the State of California for the temporary use of a proportion of the parking lot for construction staging subject to confirmation of valuation.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 21st day of June 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk